

### **REMARKS**

This is a full and timely response to the non-final Office Action of April 8, 2005. Reexamination, reconsideration, and allowance of the application and all presently pending claims are respectfully requested.

Upon entry of this Fourth Response, claims 1-23 and 27-33 are pending in this application. Claims 1, 4-8, 11, 12, 14-23, 27-30, and 33 as well as the specification, are directly amended herein. Further, claims 24 and 26 are canceled without prejudice or disclaimer via the amendments set forth herein, and claims 34-36 are newly added. It is believed that the foregoing amendments add no new matter to the present application.

### **Response to Drawing Objection**

The drawings are objected to as allegedly including a reference number not mentioned in the description. However, the specification has been amended herein to include the reference number allegedly missing from the specification. Accordingly, Applicant respectfully requests that the objection to the drawings be withdrawn.

### **Response to Specification Objection**

The specification is objected to as allegedly containing an informality. The specification has been amended herein to correct for the alleged informality, and Applicant respectfully requests that the objection to the specification be withdrawn.

### Response to Claim Rejections

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See, e.g., *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

#### Claim 1

Claim 1 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Carro* (U.S. Patent No. 6,580,909 B1). Claim 1 presently reads as follows:

1. A portable cellular telephone, comprising:  
an antenna; and  
***control logic configured to monitor service request signals detected by said antenna, each of said service request signals transmitted from a respective one of a plurality of remote cellular devices directly to said antenna and including a unique identifier of said respective one remote cellular device and a unique identifier of a cellular tower for servicing said respective one remote cellular device,*** said control logic further configured to store, based on said service request signals, unique identifiers of said remote cellular devices such that said control logic can determine, based on said stored unique identifiers, which of said remote cellular devices are within a direct transmission range of said portable cellular telephone, wherein said control logic is configured to transmit directly to at least one remote cellular device if said control logic determines, based on said stored unique identifiers, that said at least one remote cellular device is within a direct transmission range of said portable cellular telephone. (Emphasis added).

Applicant respectfully submits that *Carro* fails to teach or suggest at least the features of claim 1 highlighted above. Thus, the 35 U.S.C. §102 of claim 1 is improper.

In this regard, *Carro* appears to describe a network of portable communication units that route messages among one another without using a base station or cellular tower.

However, it appears that each portable communication unit discovers other participating communication units via a polling sequence in which polling commands are serially routed from one portable communication unit to another. See column 6, lines 3-26. In particular, during the polling sequence, a portable communication unit, upon receiving a polling

command, broadcasts a registration command to permit registration of a new portable communication unit not yet participating in the network. See column 6, lines 17-22. In response to the registration command, the new communication unit can register with the network by transmitting to the broadcasting unit a message that includes its unique identifier and other additional information. See column 6, lines 53-62. However, there is nothing to indicate that any of the polling commands, the registration commands, or the responses to the registration commands includes an identifier of a “cellular tower.”

Accordingly, noting that a “service request signal” includes a “unique identifier of a cellular tower,” it does not appear that any of the portable communication units of *Carro* determine whether other portable communication units are within a “direct communication range” based on “service request signals” from the other portable communication units. Therefore, *Carro* fails to teach or suggest at least the features of “control logic configured to monitor service request signals detected by said antenna, *each of said service request signals* transmitted from a respective one of a plurality of remote cellular devices directly to said antenna and *including* a unique identifier of said respective one remote cellular device and *a unique identifier of a cellular tower for servicing said respective one remote cellular device*,” as described by claim 1. (Emphasis added).

For at least the above reasons, Applicant respectfully submits that *Carro* fails to teach or suggest each feature of claim 1, and the 35 U.S.C. §102 rejection of claim 1 should, therefore, be withdrawn.

#### **Claims 2-7 and 27-29**

Claim 2 presently stands rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Carro* in view of *Aarnio* (U.S. Patent No. 6,522,889 B1). In addition, claims 3, 5, and 7 presently stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Carro* in

view of *Grube* (U.S. Patent No. 5,666,661), and claim 4 presently stands rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Carro* in view of well known prior art. Further, claims 6 and 27-29 presently stand rejected under 35 U.S.C. §102 as allegedly being anticipated by *Carro*. Applicant submits that the pending dependent claims 2-7 and 27-29 contain all features of their respective independent claim 1. Since claim 1 should be allowed, as argued hereinabove, pending dependent claims 2-7 and 27-29 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

### Claim 8

Claim 8 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Carro*. Claim 8 presently reads as follows:

8. A portable cellular telephone for transmitting cellular signals, comprising:  
an antenna; and  
control logic configured to maintain a list of cellular device identifiers identifying remote cellular devices within a direct transmission range of said portable cellular telephone, ***said control logic configured to store in said list an identifier identifying a remote cellular device in response to a first determination that said remote cellular device is within a direct transmission range of said portable cellular telephone***, said control logic configured to transmit, via said antenna, a cellular signal that identifies said remote cellular device, said control logic further configured to make a second determination as to whether said remote cellular device is within a direct transmission range of said portable cellular telephone by searching said list and locating in said list said identifier identifying said remote cellular device, said control logic further configured to define said cellular signal based on said second determination. (Emphasis added).

Applicant respectfully submits that *Carro* fails to teach or suggest at least the features of claim 8 highlighted above. Thus, the 35 U.S.C. §102 of claim 8 is improper.

In this regard, *Carro* appears to describe a network of portable communication units that route messages among one another without using a base station or cellular tower. In *Carro*, each portable communication unit appears to map the location information of the

other participating communication units. See column 5, lines 42-52. Further, each portable communication unit is associated with a unique identifier *i*. See column 5, lines 53-56. It is apparently alleged in the Office Action that the mappings maintained by each portable communication unit of *Carro* constitute a “list” of cellular device identifiers. However, Applicant observes that the identifiers and location information of the participating communication units of *Carro* are apparently included in the alleged “list” regardless of whether the units are in a direct transmission range of the unit that is storing the alleged “list.” Moreover, there is nothing in *Carro* to indicate that any “identifier” is stored *in response* to a determination that it is identifying a unit that is in a “direct transmission range” of any of the other communication units. Accordingly, *Carro* fails to teach or suggest at least “control logic configured to store in said list an identifier identifying a remote cellular device *in response to a first determination that said remote cellular device is within a direct transmission range of said portable cellular telephone,*” as described by claim 8. (Emphasis added).

For at least the above reasons, Applicant respectfully asserts that *Carro* fails to teach or suggest each feature of claim 8, as amended. Accordingly, the 35 U.S.C. §102 rejection of claim 1 should be withdrawn.

#### **Claims 9-15 and 34**

Claim 9 presently stands rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Carro* in view of *Aarnio*. In addition, claims 10, 14, and 15 presently stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Carro* in view of *Grube*. Further, claims 11-13 presently stand rejected under 35 U.S.C. §102 as allegedly being anticipated by *Carro*, and claim 34 has been newly added via the amendments set forth herein. Applicant submits that the pending dependent claims 9-15 and 34 contain all features

of their respective independent claim 8. Since claim 8 should be allowed, as argued hereinabove, pending dependent claims 9-15 and 34 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

### **Claim 16**

Claim 16 is rejected under 35 U.S.C. §102 as allegedly being anticipated by *Carro*.

Claim 16 reads as follows:

16. A cellular transmission method, comprising:  
***monitoring a plurality of service request signals transmitted directly from remote cellular devices to an antenna of a portable cellular telephone, said cellular service request signals including unique identifiers of said remote cellular devices and unique identifiers of cellular towers;***  
storing said unique identifiers of said remote cellular devices from said service request signals;  
detecting a transmission request at said cellular telephone;  
determining, in response to said detecting, whether a remote cellular device identified by said transmission request is within a direct transmission range of said cellular telephone based on said stored unique identifiers of said remote cellular devices; and  
transmitting, based on said determining step, a cellular signal from said cellular telephone to said remote cellular communication device identified by said transmission request. (Emphasis added).

For at least the reasons set forth hereinabove in the arguments for allowance of claim 1, Applicant respectfully asserts that *Carro* fails to teach or suggest at least the features of claim 16 highlighted above. Accordingly, the 35 U.S.C. §102 rejection of claim 16 should be withdrawn.

### **Claims 17-19, 35, and 36**

Claims 17 and 18 presently stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Carro* in view of *Grube*. In addition, claim 19 presently stands rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Carro* in view of *Aarnio*. Further, claims 35 and 36 have been newly added via the amendments set forth herein. Applicant

submits that the pending dependent claims 17-19, 35, and 36 contain all features of their respective independent claim 16. Since claim 16 should be allowed, as argued hereinabove, pending dependent claims 17-19, 35, and 36 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

### **Claim 20**

Claim 20 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Carro*. Claim 20 reads as follows:

20. A cellular transmission method, comprising:  
***receiving cellular service request signals at a portable cellular telephone, each of said cellular service request signals including a respective cellular device identifier and a respective cellular tower identifier;***  
detecting a transmission request at said cellular telephone;  
searching a list of cellular device identifiers corresponding to said cellular service request signals received in said receiving; and  
transmitting a cellular signal from said cellular telephone directly to a remote cellular communication device identified by said transmission request if an identifier of said remote cellular device is located in said list via said searching. (Emphasis added).

For at least the reasons set forth hereinabove in the arguments for allowance of claim 1, Applicant respectfully asserts that *Carro* fails to teach or suggest at least the features of claim 20 highlighted above. Accordingly, the 35 U.S.C. §102 rejection of claim 20 should be withdrawn.

### **Claims 21-23**

Claim 21 presently stands rejected in the Office Action under 35 U.S.C. §103 as allegedly being unpatentable over *Carro* in view of *Grube*, and claim 22 presently stands rejected under 35 U.S.C. §103 as purportedly unpatentable over *Grube* in view of *Aarnio*. In addition, claim 23 presently stands rejected in the Office Action under 35 U.S.C. §102 as allegedly being anticipated by *Carro*. Applicant submits that the pending dependent claims

21-23 contain all features of their respective independent claim 20. Since claim 20 should be allowed, as argued hereinabove, pending dependent claims 21-23 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

### **Claim 30**

Claim 30 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Carro*. Claim 30 reads as follows:

30. A portable cellular telephone, comprising:  
memory;  
a microphone configured to convert sounds into voice data; and  
***control logic configured to monitor cellular signals received by said portable cellular telephone directly from remote cellular telephones and to store identifiers from said cellular signals in said memory in response to determinations that remote cellular devices identified by said identifiers are respectively within a direct transmission range of said portable cellular telephone***, said control logic configured to make, in response to a request for establishing a communication session with a particular cellular telephone, a determination as to whether said particular cellular telephone is within a direct transmission range of said portable cellular telephone based on whether an identifier of said particular cellular telephone is stored in said memory, said control logic further configured to transmit, during said communication session, said voice data directly to said particular cellular telephone based on said determination if said particular cellular telephone is determined to be within said direct transmission range. (Emphasis added).

For at least the reasons set forth hereinabove in the arguments for allowance of claim 8,

Applicant respectfully asserts that *Carro* fails to teach or suggest at least the features of claim 30 highlighted above. Accordingly, the 35 U.S.C. §102 rejection of claim 30 should be withdrawn.

### **Claims 31-33**

Claims 31-33 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Carro*. Applicant submits that the pending dependent claims 31-33 contain all features of their respective independent claim 30. Since claim 30 should be allowed, as argued



hereinabove, pending dependent claims 31-33 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

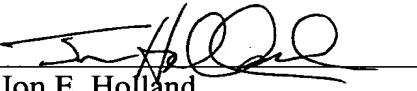
### **CONCLUSION**

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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